

## Alameda County Congestion Management Agency

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May 28, 2009 Agenda Item 5.0

#### Memorandum

DATE:

May 21, 2009

TO:

Congestion Management Agency Board

FROM:

Dennis R. Fay, Executive Director

SUBJECT:

EXECUTIVE DIRECTOR'S REPORT

#### Sacramento Report

I have attached a report from the CMA's Sacramento representative.

#### Washington, DC Report

I have attached a report from the CMA's Washington, DC representative.

#### **HOT Lane Presentation**

On April 28<sup>th</sup>, along with VTA staff, I participated in a HOT lane workshop sponsored by the Transportation Authority of Marin. There were considerable questions about the viability of HOT lanes. It appears that Marin residents are not sold on this concept.

#### **Climate Action Summit**

On May 4<sup>th</sup> I attended the BAAQMD's Climate Action Summit in Oakland. A CD with the various presentations is available from staff for any Board member wishing to review the material.

#### **BART Oakland Airport Connector**

On May 14<sup>th</sup> I testified at the BART Board in support of the OAC, noting that this project is a high priority for the CMA and that the time is ripe with construction bids consistently below engineer's estimates.

#### American Recovery and Reinvestment Act

Additional American Recovery and Reinvestment Act (ARRA) funds, totaling \$157 million, are available to the region through the Metropolitan Transportation Commission (MTC). Of the \$157 million total funds:

- \$129 million will be used to advance stalled Proposition 1B construction projects.
- \$23.4 million will be used for additional Local Street and Roads projects, including \$4.74 million for Alameda County.

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• \$14 million will be used for HOT Lane Projects - \$7.5 million in Alameda County and \$6.5 million in Santa Clara County.

#### **Transportation Bond Measure Projects**

<u>I-580 Eastbound HOV Lane Project</u> – The contractor for the first contract has completed work in the median and traffic has shifted in order for the outside widening to begin. The project is on track to open in August 2009. The second contract received a California Transportation Commission (CTC) allocation of funds at the October meeting and was advertised on January 5, 2009. Bid opening is scheduled for June 3, 2009. The CMA issued a Notice to Proceed to the design consultant to prepare the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street.

<u>I-580 Westbound HOV Lane Project</u> – The draft Environmental Document was released for circulation on March 25, 2009 and the public comment period closed on April 24, 2009. The design phase of this project began in June 2008. The ACCMA has reviewed the preliminary design package (35 percent PS&E). The CMA and the consultant are preparing a strategy to split the project into smaller construction contracts. The CMA is preparing a corrective action plan for review by the CTC to remove the bus ramp from the project scope.

<u>I-580/Route 84/Isabel Interchange</u> – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract three, administered by Caltrans received an allocation of construction funds from CTC in October 2008. The CTC allocated the construction funds for the two contracts administered by the City of Livermore at its December 2008 meeting. The three contracts were advertised in January 2009. Bids for Contracts one and two were opened last month. Bids were below the engineer's estimate by 40 percent. The City of Livermore is reviewing the results and an award recommendation will be made shortly. The bid opening for Contract three will be on June 17, 2009.

<u>I-880 Southbound HOV Lane Extension (Hegenberger to Marina)</u> – Environmental and preliminary engineering services are ongoing. A 35 percent submittal package has been completed and comments have been received from Caltrans. The project has been divided into two construction packages to attract more bidders. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

<u>I-80 Integrated Corridor Mobility (ICM) Project</u> – Stakeholders have submitted their comments on the Traffic Light Synchronization Program (TLSP) Project #6 Concept Report, Plans and Functional Requirements. The Design Team delivered the TLSP 65 percent PS&E to Caltrans for review on May 11, 2009. In addition, the 65 percent PS&E for the Transportation Management Plan (TMP) Project #3 was submitted to Caltrans on May 18, 2009 and the 35 percent PS&E for the Adaptive Ramp Metering (ARM) Project #4 is scheduled to be submitted to Caltrans on May 26, 2009 for review and comment. Traffic Modeling of the I-80 and San Pablo corridors is underway. A Delivery Action Plan, addressing the project's revised schedule, was developed by Caltrans, MTC, CMA and the CCTA and will be submitted to the California Transportation Commission (CTC).

<u>I-880 North Safety and Operational Improvements at 23rd/29th Avenues</u> – The Project Report and Environmental Document are underway and preliminary engineering and environmental technical studies have commenced. The Administrative Draft environmental document will be submitted to Caltrans on May 27, 2009.

#### Status of Corridor Studies/Projects

<u>I-680 Express Lane Project</u> – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, Grimmer to Route 238 (Mission Blvd), is continuing to work aggressively to complete the project.

Contract 3, Route 238 to Grimmer, was awarded on April 7, 2009 and contract 2, Route 238 to Stoneridge, was awarded on April 17, 2009. A contract has been executed with Electronic Transaction Consultants (ETC) for the System Integration work on the Express Lane project.

<u>I-580 Traffic Management Plan Project</u> – The Center-to-Center (C2C) Program communication hubs project was awarded to DKS Associates. This communication package will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. The Software Integration Package was awarded to Irvine Global Consulting and will be completed in June 2009. The integration will link cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors. The draft C2C Hub design has been completed. These projects are on schedule with the completion date of June 30, 2009. The project is also installing ramp metering on Grant Line Road, North Flynn Road and Portola Avenue, funded from a MTC grant, however, funding for the ramp metering has been delayed.

<u>I-580 Corridor ROW Preservation</u> – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. Upon completion of the funding agreement with ACTIA, the CMA will begin discussions with Caltrans to establish a partnership agreement for this project.

<u>I-580 Westbound Auxiliary Lane Project</u> – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. ACTIA is the lead agency for the environmental phase and has completed the NEPA environmental document to clear the Fallon to Tassajara Road auxiliary lane segment. Caltrans approved the plans and has issued an encroachment permit to allow this work to be combined with the City of Dublin's Fallon Road Interchange Project. A project specific funding agreement between the City of Dublin and the CMA is being prepared.

<u>I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering</u> – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that additional studies be prepared to investigate the feasibility of a double HOT lane. A contract change order to install the infrastructure of some of the civil elements of the HOT Lane was issued to the EB HOV project. The CMA is investigating possible alternatives for delivery of the civil elements of the project. A draft RFP for the system integrator is being circulated for review and comment by the project team.

<u>I-680/I-880 Cross Connector Project</u> – Team meetings and technical studies are currently on hold pending agreement with Caltrans regarding project oversight support. The CMA has requested the consultant to reinitiate studies in anticipation of Caltrans resource availability in early FY 2009/2010.

<u>I-580 Soundwalls at San Leandro</u> – The San Leandro soundwall project was advertised on April 8, 2009 following the federal authorization (E-76) for construction on April 1, 2009. The CMA opened bids on May 7, 2009 and received 4 bids for the contract. The Contract award is scheduled for May 28, 2009.

<u>I-580 Soundwall Design – Oakland</u> – The 65 percent PS&E for the Oakland soundwall was submitted to Caltrans on February 27, 2009. A Public Information meeting was held on April 16, 2009 at the Redwood Day School in Oakland.

<u>I-880 Corridor System Management Plan</u> – The I-880 Corridor System Management Plan (CSMP) TAC met on November 10, 2008. The results of the scenario analysis proposed to improve the performance of the corridor were discussed. The consultant team has been working since then to incorporate TAC input. This study, sponsored by Caltrans, will provide a detailed evaluation of the I-880 Corridor to determine what transportation strategies make the most sense and when they should be implemented.

<u>I-580 Corridor System Management Plan (CSMP)</u> —A corridor stakeholder meeting for the I-580 East Corridor System Management Plan (CSMP) was held on January 27, 2009 to discuss development of the CSMP. The next corridor stakeholder meeting is scheduled for May 21, 2009 at 2 p.m. The CSMP is a requirement of the Corridor Mobility Improvement Account (CMIA) I-Bond funding, and as a result is a requirement for the CMIA-funded improvement projects along the I-580 Corridor in Alameda County. The final technical memorandum describing the baseline existing conditions and trends for forecast years 2015 and 2035 was developed. Subsequently, the final technical draft report presenting the proposed improvement strategies for addressing existing (2008) and future (2015 and 2035) congestion in the I-580/1-238 corridor was developed and distributed in February 2009. All deliverables have now been distributed and the final draft report was presented to the TAC on April 8, 2009.

<u>SR 24 Corridor System Management Plan (CSMP)</u> – The draft mitigation strategies were presented to Alameda County and Contra Costa jurisdictions on March 11, 2009. A technical draft memorandum describing the performance evaluation criteria based on vehicle delay and

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congestion and providing an evaluation of performance measures and analysis of travel time reliability was developed and distributed in February 2009. A public outreach meeting was held on March 24, 2009. The next SR 24 CSMP TAC meeting is scheduled for May 20, 2009.

Ardenwood Park & Ride Lot Project – Construction of the Park and Ride Lot began on September 18, 2008. Construction was suspended on November 19, 2008 pending issuance of a final building permit by the City of Fremont. A permit was issued on January 14, 2009 and construction completion is anticipated in June 2009. A sub project is being developed to construct a CMS sign on I-84, place "next bus" signs in the bus shelters, provide striping and signal modifications to improve access from Ardenwood Blvd. and construct a restroom for AC Transit's use.

BART to Warm Springs – Bids for the Final Design on the Fremont Central Park Subway ("Subway") were opened on April 21, 2009. The BART Board is expected to award the contract in late May and the Notice to Proceed is expected to be issued in early July. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract is 75 percent complete. BART also recently conducted a Value Engineering (VE) study of the LTSS contract documents and intends to evaluate VE recommendations prior to finalizing the bid documents. A Request for Qualifications (RFQ) for the LTSS contract is expected to be issued this spring. A Request for Proposal (RFP) is expected to be issued this summer, with a best-value award scheduled for mid-2010. Project permits are now in place from the SF Regional Water Quality Control Board and the CA Department of Fish and Game. The permit from the US Army Corps of Engineers is expected shortly.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor (SVRTC) - The Final EIS is expected to be circulated in January 2010.

<u>Caldecott Tunnel 4th Bore</u> – The Final Environment Document for the project is available for review on the project website at: www.dot.ca.gov/dist4/caldecott/. CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC). Caltrans has reached agreement with the Fourth Bore Coalition to settle the litigation that was filed against the project. The CTC approved allocations in May that allow Caltrans to advertise the project. The advertisement is anticipated in mid May, with bids scheduled to be received in late August and award in October..

<u>Dumbarton Rail Corridor</u> – The project continues to proceed with finalizing the environmental, constructability and structural evaluations. The draft EIS/R is progressing and is expected to be released by summer 2009.

<u>Grand/MacArthur Corridor Transit Enhancements</u> – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor. The limit of this corridor is from Eastmont Mall to the Transbay Terminal in San Francisco. This SMART/Bus Rapid Transit (BRT) Corridor implementation will be modeled after the existing San Pablo Avenue and International/Telegraph SMART/BRT Corridors. On July 31, 2008, the CMA Board awarded the Grand/MacArthur Corridor Transit Enhancement Project construction contract to Ray's Electric, the lowest responsive bidder. Construction started September 22,

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2008. The contractor has installed all ITS elements of this project on Grand Ave. This project is on schedule with a completion date of June 30, 2009.

<u>SMART Corridors Program</u> – CMA's SMART Corridors partnership includes 29 public agencies. The CMA provides video and traffic data to the public and to transportation managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: http://www.smartcorridors.com. The CMA is working with the Alameda County Public Works Agency on the implementation of Transportation Management Centers (TMC). CMA is also leading the project to implement ITS on Webster Street in the City of Alameda. CMA staff is also managing various contracts to operate and maintain SMART Corridors components.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the installation of decorative crosswalks. This extended the project completion date to June 2009. All project elements are completed with the exception of bus-bulb-outs and median islands which started in May 2009. The project is on schedule with a completion date of June 30, 2009

<u>State Route 84 HOV Extension – Dumbarton Corridor</u> – The HOV lane was open to traffic on September 5, 2008 and the project closeout is underway.

Central Alameda County Freeway System Study – The TAC met on May 14, 2008 to approve the release of the draft Project Initiation Document (PID) to the Policy Advisory Committee. The next (PAC) meeting is being scheduled and is anticipated to be held in June 2009. After PAC approval to release the prioritized Local Alternative Transportation Improvement Program (LATIP) project list, local approvals will be sought similar to the process used for the Financially Unconstrained LATIP.

MTC's Lifeline Transportation Program – MTC approved CMA Board's recommended program of projects. Tier 1 is based on the approved State budget, The Tier 2 program is subject to confirmation of the FY 2009/2010 state budget. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The BRT TAC meeting was held on May 14, 2009 to prepare for the BRT Policy Steering Committee. The next TAC meeting is being scheduled for June. The BRT Policy Steering Committee (PSC) was held on May 15, 2009 receive an update on the operating plan. The next PSC meeting is scheduled for June 19, 2009 at 3 p.m.

<u>Transportation and Land Use Work Program</u> – The City of San Leandro is revising their Transit Oriented Development Technical Assistance Program (TOD TAP) scope of work. Staff is coordinating within the county to determine how to integrate TOD into climate change goals.

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<u>Community Based Transportation Plan</u> – The City of Alameda Community Based Transportation Plan consultant team is writing a draft plan, which includes prioritized transportation needs and solutions based on community outreach. The Plan will be on the June 2009 Board agenda.

Guaranteed Ride Home Program – The Annual Evaluation will be presented to the Board in May 2009. It will include results of the annual employee and employer surveys. 4,422 employees and 190 employers are actively registered in the program. The average cost per taxi trip is \$83.90 and the average trip length is 38.9 miles. The average one-way trip distance for a rental car ride is 47.9 miles. The average savings for a rental car ride compared to a cab is \$72.54 per ride. Nearly one out of four rides (24%) is taken using a rental car. The pilot program to allow a Downtown Business Association (DBA) and Transportation Management Association (TMA) to register in the program is continuing to attract more enrollees in Berkeley and Emeryville.

<u>Truck Demand Model</u> – A field data collection team, Quality Counts, has been retained and they are working with Caltrans to obtain an encroachment permit. Data collection will begin immediately upon obtaining the encroachment permit at about 55 locations on major roads across the county. The consultants continue to compile existing data from various sources and have also begun working on the model development. The next Task Force meeting is scheduled for June 16, 2009 at 10:00 a.m.

<u>Truck Parking Facility Feasibility and Location Study</u> – An implementation plan to implement the recommendations of the study is going to the Committees and Board for their consideration in June.

<u>Update on Climate Action Activities</u> – As follow up to the December 2008 CMA Board retreat, staff prepared draft Climate Action priorities as well as identified ways to strengthen the Land Use Analysis Program and Transportation Demand Management elements of the CMP to address climate change. The Board will review this information at its May 2009 meeting. A Climate Action Workshop jointly hosted by the ACCMA, ACTIA and Supervisor Haggerty's office was held on May 13, 2009. The next meeting will be held on July 8, 2009 at 10 a.m.

<u>Countywide Transportation Plan/Regional Transportation Plan</u> – The MTC Commission adopted the final RTP at its April meeting. The Countywide Transportation Plan is being revised to be consistent with the RTP and will be brought back to the Board for approval at its June meeting.

#### Environmental Documents/General Plan Amendments Reviewed

Since my last report, no environmental documents, notices of preparation or general plan amendments have been received or reviewed.

#### **CMA Board and Committee Meeting Dates**

Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted. Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

CMA Board

Plans & Programs

Administration & Legislation

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June 25, 2009 Jul 23, 2009 Aug 2009 – no meeting

scheduled

September 24, 2009

June 8, 2009 Jul 13, 2009

Aug 2009 – no meeting

scheduled

September 14, 2009

June 8, 2009 Jul 13, 2009

Aug 2009 – no meeting

scheduled

September 14, 2009



# Suter • Wallauch • Corbett & Associates

Attachment A Agenda Item 5.0

Government Relations

May 21, 2009

TO: Dennis Fay, Executive Director

Alameda County Congestion Management Agency

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

Conference Begins: The two house conference committee that will review and take action on reducing the state's \$21 billion budget deficit. The Conference Committee begins its work today with an overview of the state's fiscal situation by the Legislative Analyst's Office. Tomorrow the Conference Committee will hearing about cash flow issues from State Treasure Bill Lockyer and State Controller John Chiang. Next week is reserved for public comment with Tuesday reserved for education issues, Wednesday the will hear about health and human services issues, and on Thursday the public may comments on transportation, local government, and any other issues.

The Conference Committee will be a little bigger this year. In the past the Conference Committee include three members from each house – two Democrats and one Republican. This year there will be four additional members with 5 appointees from each house. The new composition will include 3 Democrats and 2 Republicans from each house. The Conferees include Assembly members Noreen Evans (D), Kevin DeLeon (D), Robert Blumenfield (D), Roger Niello (R), and Connie Conway (R), and Senators Denise Ducheny (D), Mark Leno (D), Alan Lowenthal (D), Bob Dutton (R), and Mimi Walters (R).

**LAO Report:** In preparation for the commencement of Conference Committee hearings, the LAO released it review of the Governor's pre-Revise document released last week. With the failure of the Propositions, the budget deficit is now pegged at \$21 billion by the Governor. However, the LAO cautions that its estimates indicate the problem may be \$3 billion larger. A copy of the report can be found at <a href="https://www.lao.ca.gov">www.lao.ca.gov</a>.

As for the Governor's proposal to borrow \$2 billion from local governments, the LAO suggested that the "take" does not have to be 8% from all taxing entities as proposed by the Governor, but it could be adjusted to take more from specific groups. The LAO has dusted of its proposal that enterprise special districts, particularly water and sewer districts, should be fee based and weaned from all property tax revenue. The LAO suggests that a greater percentage of the \$2 billion loan should come from water and sewer districts.

May Scenarios: Last week the Governor laid out his May Revision Scenarios with assumptions dependent upon the outcome of the special election. Unfortunately much of the bad news was expected, including suspension of Proposition 1A (2004), deep reductions to health and welfare, and low revenues coming in to the state. If you have any questions about our May Revision Update or need further detail please let us know. The Governor is expected to expand upon his proposals on May 28<sup>th</sup>.

One of the contingency measures the Governor will pursue if/when the Props fail is the supension of Prop 1A and borrowing nearly \$2 billion in property taxes from cities, counties, and special districts. When the real Revise is released next week, we will have a clearer picture of how the Governor proposes to take the property tax revenue.

Spillover funds: The May Revise estimates that spillover revenue will increase by \$336 million in 2009-10. This revenue will not flow to transit operators, but instead will be used for debt service payments on transit bonds. Spillover revenue is generated when the sales tax on gasoline exceeds the amount a ¼ % of the sales tax generates on all other products. This revenue has historically been placed in the Public Transportation Account and used for transit operations and capital projects; however, in recent years the budget has routinely swept this revenue into the general fund.

**Treasurer:** California Treasurer Bill Lockyer formally requested federal help to guarantee the state's debt against default, so that investors would be willing to provide loans at reasonable interest rates. The Treasury has not yet responded to the request.

Representative Barney Frank (Massachusetts) is drafting legislation to create a long-term federal reinsurance program for municipal bonds and has publicly stated that he is working on a short-term solution for California.

**Port of Oakland Air Quality Hearing:** On May 27 the Assembly Select Committee on Ports will hold an informational hearing on AB 1431 (Hill). This bill is sponsored by the Bay Area Air Quality Management District. AB 1431 would require the Port of Oakland to develop emission reduction strategies that are at least as stringent as the emission reduction strategies employed by the Ports of LA and Long Beach.

#### **LEGISLATION**

Bill	Topic	Status	Client-Position
AB 338 (Ma)(D) A-05/11/2009	developments: infrastructure financing.		ACTIA-Watch CMA-Watch
	NOTE: AB 338 would village infrastructure f	l allow a city or county	to create a transit

	allow a local agency (IFD) without a public incremental growth in The bill would also reincrement to low increment alter the local agency must negotiate.	ic vote. The IFD would n property tax values to	acture financing district d dedicate the transit improvements. to dedicate 20% of the rithin the district. AB r school funds and the e approval of the other
AB 497 (Block)(D) A-05/14/2009	Vehicles: high- occupancy vehicle lanes: used by physicians.	05/18/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/18/2009-S RLS.)	ACTIA-Oppose CMA-Oppose
	regardless of occupar emergency call if the the Department of Mo Although several mer about enforcement of	mbers of the committee this bill, AB 497 was a	traveling to an to be developed by expressed concerns approved by the
	Assembly and it is cu	rrently pending on the	Senate.
AB 522 (Blumenfield)(D) I-02/25/2009	Transportation: bond funds.	Two-Year Bill	ACTIA-Watch CMA-Watch
	bond funds remain av project in the event th stimulus dollars to de. The content of AB 52	Id require the CTC to example a project sponsor uses a liver the project instead 2 is similar to a require AB 20 XXX, that that we	nsor for another federal economic of bond dollars.
AB 619 (Blumenfield)(D) I-02/25/2009	Transportation projects: federal funds: delays.	05/14/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/14/2009-S RLS.)	ACTIA-Watch CMA-Watch
	within 30 days about 1 flow or other funding	d require Caltrans to no projects that will be del issues. The notification ay places federal funds	ayed due to state cash n applies only to those

AB 652 (Skinner)(D) A-04/29/2009	Vehicles: vehicle length limitation.	05/11/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/11/2009-S RLS.)	ACTA-Support CMA-Watch	
	amended this bill creatuse of bike racks that	amended to apply only ates a pilot program for accommodate three bid was approved by the A	AC Transit to test the cycles. With this	
	These larger capacity racks are 4 inches longer than existing bike racks, because of this added length both driver unions and the CHP have expressed concerns regarding the turning radius of the buses. AB 652 would require AC Transit report to the Legislature on its experience and if the added length causes any safety issues.			
AB 670 (Berryhill, Bill)(R) I-02/25/2009	Vehicles: high- occupancy vehicle lanes: veterans.	Two-Year Bill	ACTIA-Watch CMA-Oppose	
	NOTE: AB 670 failed passage in Assembly Transportation; however, the author was granted reconsideration.  This bill would exempt from HOV occupancy restrictions any vehicle driven by a veteran or active duty member of the United States Armed Forces.			
AB 672 (Bass)(D) A-05/04/2009	Transportation: bond- funded projects: letter of no prejudice.		ACTIA-Watch CMA-Watch	
	NOTE: This bill would establish a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for any project using Prop 1B funds.			
	If approved by the entity administering the Prop 1B program, the LNOP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the project.			
	Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available. However, the April 21 amendments raise some issues with how			

	bill currently requires	that the project compose completed. Amenda		
AB 732 (Jeffries)(R) I-02/26/2009	Transportation projects: design-sequencing contracts.	05/11/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/11/2009-S RLS.)	ACTIA-Watch CMA-Watch	
	program for the use of been completed, and t	establishes a two phase f design-sequencing. This bill extends the sur 2010, to January 1, 20	The first phase has a set date for the second	
AB 744 (Torrico)(D) A-04/21/2009	Transportation: toll lanes: Express Lane Network.	05/13/2009-In committee: Set, first hearing. Referred to APPR. suspense file. (05/14/2009-A APPR. SUSPENSE FILE)	ACTIA-Support In Concept CMA-Support In Concept	
	NOTE: AB 744 was approved by the Assembly Transportation Committee with bipartisan support, but due to costs associated with this bill it has been placed on the Assembly Appropriation Suspense File. This bill authorizes BATA to finance, construct and operate an express lane network in the Bay Area.			
	creating corridor work lanes within each corri payments have been meach corridor in propo- The excess toll revenu- investment plan, which	rtion to the amount of a shall be used to fund a may include cost effectanagement Agency may e working group, the u	an and develop HOT s that after debt e is allocated back to revenue generated. the corridor ective public transit. ay reject a HOT lane altimate decision	
AB 782 (Jeffries)(R) I-02/26/2009	Regional transportation plans: sustainable communities' strategies.  NOTE: AB 782 remain	Two-Year Bill	AC Transit-Oppose	

Committee, where the bill was never heard and it is now a 2 year bill. This bill makes numerous changes to SB 375 and the implementation of Sustainable Communities Strategies. The bill includes some of the changes requested by the Governor when signing SB 375, but this bill proposes to exempt numerous other projects from SB 375. AB 782 includes the following changes Limits legal challenges of an approved SCS and projects consistent with the SCS. Adds to the Regional Targets Advisory Committee representatives from commercial builders, business community, and entities that fund transportation projects. Exempts from SB 375 all projects funded by Prop 1B and the federal stimulus funds, and projects contained in a local transportation sales tax plan that was adopted before December 31, 2010. Exempts projects, including transportation projects, from CEQA if the project is consistent with the SCS. California AB 798 (Nava) (D) 04/29/2009-In ACTIA-Watch I-02/26/2009 Transportation committee: Set, first CMA-Support and Financing Authority: |hearing. Referred to Seek Amendments toll facilities. APPR. suspense file. (04/29/2009-A APPR. SUSPENSE FILE) NOTE: AB 798 was approved by the Assembly Transportation Committee, but was placed on the Assembly Appropriations Committee's Suspense File. The author has agreed to amend the bill to include bus related projects; however, the amendment to remove the need for Bay Area counties to obtain MTC's approval prior to applying is still under review by the Treasurer's office. This bill is sponsored by the State Treasurer and would create the California Transportation Financing Authority (CTFA). The purpose of the Authority is to establish a source for local agencies to publicly finance toll projects and other transportation projects.

AB 878 (Caballero)(D) I-02/26/2009	Infrastructure financing.	Two-Year Bill	ACTIA-Watch CMA-Watch
	engage in public-priv operation of local infi projects range from so	ld authorize local gove ate partnerships for the rastructure projects. The ewer systems and energent, rail, highways, tunn	construction and ne infrastructure gy production to
AB 881 (Huffman)(D) I-02/26/2009	Local transportation authorities: greenhouse gas emissions.	05/14/2009-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 2.) (May 13). (05/14/2009-A APPR.)	ACTIA-Watch CMA-Watch
	Sonoma County. The Regional Climate Pro	to AB 881 clarify that bill would establish the tection Authority that way Transportation Authority's board.	e Sonoma County would be administered
AB 949 (Logue)(R) I-02/26/2009	Committee, but not be narrow the scope of the and may be heard aga.  The amendments wouthe Prop 1B State and allocated by formula. definition of eligible mineral or resource exapproved a tax based equarries located in Yu	passage in the Assemble proposition of the author proposition of the bill. The bill was grain.	to receive a portion of gram funds that are ld change the de "voter approved Yuba County voters l a truck carries from nerates about \$1
	,		

AB 1072 (Eng)(D) A-05/05/2009	Public Transportation Modernization, Improvement, and Service Enhancement Account.	referred to Com. on APPR. (05/06/2009-	ACTIA-Watch CMA-Watch
	Association and would formula for distributing appropriations. In additional following changes to transit operators to be A project spon	ponsored by the Califor d extend the application of Prop 1B transit capit dition, AB 1072 was another existing program that ter manage these fundations are may retain its fund d utilize that funding in	n of the existing tal funds to future mended to make the lat would enable s:
	<ul> <li>Authorizes a p another project that all allocati</li> <li>Authorizes allo</li> </ul>	roject sponsor to loan in the sponsor with an eligible ions are put to use in a continuous to be used in a	its allocation to ble project to ensure given fiscal year.  subsequent fiscal
	previous fiscal	ompletion of projects the year.	nat were approved in a
AB 1135 (Skinner)(D) I-02/27/2009	Vehicles: registration renewal.	04/29/2009-In committee: Set, first hearing. Referred to APPR. suspense file. (04/29/2009-A APPR. SUSPENSE FILE)	ACTIA-Watch CMA-Watch
	Suspense File. This be report the odometer re when renewing the vel and declaration regard	rrently on the Assemblill would require an ow ading to the Departmenticle registration. The ing the need for more at improve transportation.	vner of a vehicle to nt of Motor Vehicles bill contains finding accurate vehicle miles
AB 1158 (Hayashi)(D) I-02/27/2009		05/11/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/11/2009-S RLS.)	ACTIA-Watch CMA-Watch
		the characteristic of oth facilities that provide d	,

	schools, community c	d from primary and secolleges, and universitions that a transit village	es, to the list of	
AB 1175 (Torlakson)(D) A-04/14/2009	Toll facilities.	05/06/2009-In committee: Set, first hearing. Referred to APPR. suspense file.	ACTIA-Watch CMA-Watch	
	Committee on a party Dumbarton bridges to addition, AB 1175 wo	NOTE: AB 1175 was approved by the Assembly Transportation Committee on a party line vote. This bill adds the Antioch and Dumbarton bridges to the toll bridge seismic safety program. In addition, AB 1175 would authorize BATA to submit regional measures to increase tolls the voters.		
	The regional measure must described the projects and programs to be funded, and the bill states the projects and programs shall consist of infrastructure projects, acquisition of transit vehicles, transit operating assistance, and other improvements that reduce congestion and improve travel options. The bill, however, does not specify how the expenditure plan would be developed.			
AB 1321 (Eng) (D) A-05/06/2009	Environment: The Advance Infrastructure Mitigation Program Act.	05/07/2009-Re- referred to Com. on APPR. (05/07/2009- A APPR.)	ACTIA-Watch CMA-Watch	
	NOTE: AB 1321 would authorize the Natural Resources Agency (NRA) to develop a program to mitigate the impacts of infrastructure projects proposed by a public agency on a regional or statewide scale in advance of project approval.			
	cture Mitigation regional advance ld be a plan that nitigation ructure projects and that would fulfill			
some or all of those requirements.  This process would not replace CEQA, but it woul identify a mitigation plan for a project in advance environmental review.			•	

AB 1342 (Evans)(D) I-02/27/2009	Local taxation: income taxes: vehicle license fees.	Two-Year Bill		
	an ordinance to impos license fee. The bill of	ld authorize the Board se a personal income ta loes not specifically redinance must comply	quire voter approval,	
AB 1386 (Hayashi) A-04/22/2009	State highways.	04/23/2009-Re- referred to Com. on APPR. (04/23/2009- A APPR.)	ACTA-Support CMA-Support	
	Committee on a vote	approved by the Assert of 10-3. The bill is novious Committee's Susp	w pending in the	
	AB 1386 amends existing law to allow for the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements. Existing law limits the use of these funds to state facilities.			
	The bill also includes language to relinquish portions of State Routes 92, 185, and 238 within the City of Hayward. Language is being incorporated into other amendments that would address the loss of state transportation funds that would result from relinquishing these highway sections.			
	specify that the proceed		and Rt 84 statutes to perty is deposited into it is used to implement	
AB 1500 (Lieu) (D) A-04/29/2009	High-occupancy lanes: single occupancy vehicles: sunset date.	04/30/2009-Re- referred to Com. on APPR. (04/30/2009- A APPR.)	ACTIA-Oppose CMA-Oppose	
	NOTE: As introduced, AB 1500 would extend the sunset date by 5 years from January 1, 2011 to January 1, 2016 on existing law that allows specified types hybrid and low emission vehicles to use an HOV lane regardless of the number of occupants.			
	As approved by the Assembly Transportation Committee this bill would only extend the sunset date for electric and other alternative			

	fueled vehicles, such as natural gas vehicles. The exemption hybrid vehicles would sunset on January 1, 2011.			
AB 1502 (Eng)(D) I-02/27/2009	Vehicles: HOV lanes.	Two-Year Bill	ACTIA-Watch CMA-Oppose	
	NOTE: This bill extends the sunset date from January 1, 2011 to January 1, 2017 on existing law that allows specified types of vehicles to use an HOV lane regardless of the number of occupants. However, under this bill the sunset date for the exemption for Hybrid vehicles would remain January 1, 2011.			
ACA 9 (Huffman)(D I-02/06/2009	Local government bonds: special taxes: voter approval.	05/07/2009-From committee: Be adopted, and re-refer to Com. on REV. & TAX. Re-referred. (Ayes 5. Noes 2.) (	ACTIA-Support CMA-Support	
	threshold for local bor infrastructure projects Local Government Co	tional Amendment wounds and special taxes to a. ACA 9 was approved ommittee and is current on Revenue & Taxation	55% for d by the Assembly ly pending in the	
ACA 15 (Arambula)(D) I-03/10/2009	1	05/07/2009-From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 2.)	ACTIA-Support CMA-Support	
	NOTE: This measure amends the Constitution to lowers the constitutional vote requirement for approval of a special tax specifically for providing funding for local transportation projects from two-thirds to a 55% majority.  ACA 15 was also approved by the Assembly Local Government Committee, and is currently pending in the Assembly Appropriations Committee's Suspense File.			

	-		
SB 165 (Lowenthal)	Transportation.	04/29/2009-From	ACTIA-Watch
A-04/14/2009		committee: Do pass,	CMA-Watch
		but first be re-referred	
		to Com. on APPR.	
		(Ayes 9. Noes 1.) Re-	
		referred to Com. on	
		APPR. (04/29/2009-S	
		APPR.)	
	NOTE: SB 165 conta	ins various clean-up pro	ovisions and non-
		to transportation relate	
	-	ange to SB 791 (Corbet	-
		oceeds from the right-o	,
	to be used on local pro	_	way along Rould or
	The change specifies	that the excess property	y sold shall only be
		cels. After further review	
		el exists within the cor	
		and with representative	
	1	overty who originally re	
		" Since there was only	
			housing projects in the
		agreed not to pursue th	
		g drafted to remove thi	
		%	
			· · · · · · · · · · · · · · · · · · ·
SB 205 (Hancock)	Traffic congestion:	04/28/2009-Read	ACTIA-Support
(D)	motor vehicle	second time. To third	
A-04/14/2009	registration fees.	reading. (04/28/2009-	CMA-sponsor
11-0-7/1-7/2007	logistration rocs.	IS THIRD	
		READING)	
	NOTE, SD 205 :-		
		ving along and it is cur	
	3	l allow any county con	
		ballot a majority vote	
		ehicle for the purpose of	of funding congestion
	mitigation and air qua	lity programs	
	1		
SB 391 (Liu) (D)	California	05/18/2009-From	ACTA-Watch
A-05/04/2009	Transportation Plan.	APPR.: Do pass.	CMA-Watch
		(05/18/2009-S	
		APPR.)	
	NOTE: SB 391 requir	es Caltrans to update it	s state transportation
		2015 and every five ye	
		the plan to address how	
		astructure and mobility	
		standards required by	
	para attair air poriatior	i similam as required by	rodorar aria stato raw

	and achieve greenl	nouse gas (GHG) emission	ns reductions needed	
	from the transporta	• , ,		
SB 406 (DeSaulnier)(D) A-04/13/2009	Land use: environmental quality.	04/29/2009-From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 6. Noes 4.) (04/29/2009-S SECOND READING)	ACTIA-Watch CMA-Watch	
	NOTE: SB 406 authorizes regional planning agencies to impose up to a \$2 surcharge on vehicle registrations in order to fund regional land use planning activities. This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council. This bill was approved by both the Senate Transportation and the Senate Local Government Committees, and it is currently in Senate Appropriations.			
	consist of represent agencies that are ar Office of Planning development State' 406 would significa	sory and Assistance Countatives from cities, counties oppointed by the Director of & Research. The PAAC is Environmental Goals are antly change the composition additional duties to the last blueprint plans.	es, and regional f the Governor's assists OPR in the nd Policies Report. SB ion of the PAAC	
	impose up to a \$2 s region. If the popu \$1 must be used for projects related to i	izes metropolitan planning surcharge on each vehicle lation exceeds 300,000 the grants to cities and count implementing a regional bution imposing the surchard ABAG.	registered within the en all amounts above ties for planning and lueprint plan. In the	
SB 409 (Ducheny)(D) I-02/26/2009	Department of Railroads.	Two-Year Bill	ACTIA-Watch CMA-Watch	
	separate from Caltradministration of in	ould create the Department ans. SB 409 would consonatercity rail, freight rail, are ation programs within the	lidate the nd high-speed rail, as	

	-	the High Speed Rail Ament, and the executive broads.	•	
	Committee pending th	ne Senate Transportation ne completion of a report at of Railroads separate	ort examining the need	
SB 425 (Simitian) (D) A-04/16/2009	Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	05/13/2009-Placed on REV. & TAX. suspense file. (05/14/2009-S REV. & TAX SUSPENSE FILE)	ACTIA-Watch CMA-Watch	
	NOTE: SB 425 has been amended to revise the parking cash out program by essentially shifting enforcement from the Air Resources Board to the Franchise Tax Board.			
	Under this bill an employer subject to the requirements of the Parking Cash-out Program may not deduct the cost of providing parking subsidies from its gross income unless it is in compliance with the requirement. This bill also provides a tax credit to small businesses in an amount equal to 80 percent of costs incurred for qualified commute reduction expenditures. These commute reduction expenditures include a wide range of activities including monthly transit passes, vanpools, carpools, private bus service and the cost of facility improvements that encourage bicycling and alternative commute methods.			
SB 455 (Lowenthal)(D) I-02/26/2009	High-speed rail.	Two-Year Bill	ACTIA-Watch CMA-Watch	
	SB 455 makes numeror Speed Rail Authority (property consistent wind additional criteria on the funds on Phase 1 of the Pursuant to SB 455, the following criteria is menhances access to state	by decided to make this about technical changes the (HSRA) to enter into country the existing law. In add the expenditure of the He project.  The HSRA shall ensure the eet when undertaking I tions and terminals, with that serve the largest endowed the serve the largest endowed the serve the serv	hat allow the High contracts and purchase ition, the bill adds ligh Speed Rail Bond hat one of the Phase 1 projects 1) th priority given to	

improvements to existing commuter and intercity rail service, and 3) projects that improve connections to San Joaquin Valley.			
State Highway Operation and Protection Program Emergency Funding Act.	Two-Year Bill	ACTIA-Watch CMA-Watch	
NOTE: This bill would enact the State Highway Operation and Protection Program Emergency Funding Act. SB 485 is little m than a spot bill that contains Legislative intent language to provi adequate funding for SHOPP projects.			
Vehicles: parking services and fees.	Two-Year Bill	ACTIA-Watch CMA-Watch	
NOTE: This bill seeks to reduce traffic congestion and greenhouse gas emissions by eliminating state subsidies for parking and providing an incentive for cities and counties to overhaul local parking policies.			
Intercity rail: study.			
NOTE: SB 526 was unanimously approved by the Senate Transportation Committee, and it is currently on the Senate Appropriations Suspense File.			
This bill authorizes Caltrans to enter into negotiations with the freight railroads, Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF), and the commuter railroads, ACE and Caltrain, to extend at least one San Joaquin train via Altamont Pass to San Francisco and to report to the Legislature by March 1, 2010 on the status of negotiations.			
	State Highway Operation and Protection Program Emergency Funding Act.  NOTE: This bill woul Protection Program Enthan a spot bill that considered adequate funding for State and fees.  Vehicles: parking services and fees.  NOTE: This bill seeks gas emissions by eliming providing an incentive parking policies.  Intercity rail: study.  NOTE: SB 526 was under the state of the state o	State Highway Operation and Protection Program Emergency Funding Act.  NOTE: This bill would enact the State Higher Protection Program Emergency Funding Act than a spot bill that contains Legislative interadequate funding for SHOPP projects.  Vehicles: parking services and fees.  Vehicles: parking services and fees.  NOTE: This bill seeks to reduce traffic cong gas emissions by eliminating state subsidies providing an incentive for cities and counties parking policies.  Intercity rail: study.  O5/11/2009-Placed on APPR suspense file. (05/11/2009-S APPR. SUSPENSE FILE)  NOTE: SB 526 was unanimously approved by Transportation Committee, and it is currently Appropriations Suspense File.  This bill authorizes Caltrans to enter into neg freight railroads, Union Pacific (UP) and the Santa Fe (BNSF), and the commuter railroad to extend at least one San Joaquin train via A Francisco and to report to the Legislature by	

CD 505 (XX ) (D)	TT 11 1 TT 27 1	0.54.0.15.00.5	1
SB 535 (Yee)(D)	Vehicles: HOV lanes.	li de la companya de	ACTIA-Watch
I-02/27/2009		APPR.: Without	CMA-Oppose
		further hearing	
		pursuant to Senate	
		Rule 28.8To	
		SECOND	
		READING.	
	NOTE, NOTE, Agint	<u> </u>	a the compat data as
	existing law that allow	roduced, SB 535 delete vs exempts specified ve	ehicles from HOV
	lanes occupancy requi	rements, but it retained	l language that would
	repeal the HOV lane e	exemption if federal law	v does not authorize
	these exemptions.		
	As approved by the Se	enate Transportation Co	ommittee, SB 585 was
			OV lane exemption for
		cles, such as zero emiss	
	certain natural gas pov	· · · · · · · · · · · · · · · · · · ·	sion vomeres and
	However, this is placeholder language. The sponsor, General		
	Motors, will be develo		-
		um ion powered vehicle	
	from HOV lane occup		ios, saon as the von,
	inom 110 v lane occup	and requirements.	
SB 560 (Ashburn)(R)	Pagional	Two-Year Bill	ACTIA-Watch
I-02/27/2009		1 wo-1 car bill	
11-02/2//2009	transportation plans:		CMA-Watch
	sustainable		
	communities strategy.		
	NOTE: This bill would	d allow cities and coun	ties that site wind,
	solar and biomass proj	ects in their jurisdiction	n to receive a credit in
	the formulation of the sustainable communities' strategy.		
		<del></del>	
SB 575	Local planning:	05/18/2009-From	ACTIA-Watch
(Steinberg)(D)		APPR.: Without	CMA-Watch
I-02/27/2009	· · · · · · · · · · · · · · · · · · ·	further hearing	
		pursuant to Senate	
	1	Rule 28.8To	
	1	SECOND	
	·		
	1	READING.	
		(05/18/2009-S	
	1	SECOND	
		READING)	
NOTE: SB 575 has been amended to include several clean-up			
	provisions to SB 375 from last year. The bill currently contains		
	provisions to SB 375 fi	rom last year. The bill	currently contains
	provisions to SB 375 fithe following changes:		currently contains

			·		
	"internal conprojects fund Help Countied December 31  The rezoning extended by rezoning suff opposed to si Allows HCD so that the decregion's RTF  The bill also	es have requested that to 2,2010.) It requirement under ho a year if the local gove ficient to accommodate the for very low and lot to adjust the due dates addine is 18 months af a clarifies a provision of the open meeting requires	does not apply to les tax measure. (Self-the date be changed to susing element law is ernment has completed to 75% of the units as ow income housing. It is for housing elements are adoption of the		
SB 632 (Lowenthal)(D) I-02/27/2009	Ports: congestion relief: air pollution mitigation.	05/18/2009-From APPR.: Without further hearing pursuant to Senate Rule 28.8To SECOND READING. (05/18/2009-S SECOND READING)	ACTIA-Watch CMA-Watch		
	Ports of LA, Long Be infrastructure and air Legislature. Specific following:  • The Port of C Transportatio improve carging impacts associated to the Port of O Management pollution associated projects that respectively.	<ul> <li>The Port of Oakland to consult the Metropolitan         Transportation Commission, on infrastructure projects that         improve cargo movement efficiency and reduce congestion         impacts associated with cargo movement.</li> <li>The Port of Oakland to consult the Bay Area Air Quality         Management District, on air quality projects that reduce         pollution associated with cargo movement, including         projects that reduce pollution from trucks, cargo handling</li> </ul>			
	• Requires the p	comotives, and ships.  ports to provide the ass y July 1, 2010, including			

	infrastructure and air quality improvement costs, funding sources, and possible funding options for projects without a funding source.			
SB 728 (Lowenthal)(D) I-02/27/2009	Air pollution: parking cash-out program.	g 05/18/2009-Read second time. To third reading. (05/18/2009- S THIRD READING)		
	Parking Cash-out Pro Resources Board to in program, as well as a adopt a local ordinan- with the program.  Under the Parking Ca- more employees that provide a parking cas	NOTE: SB 728 is another bill that attempts to add teeth to the Parking Cash-out Program. This bill would authorize the Air Resources Board to impose a civil penalty for violating this program, as well as authorize cities, counties, and air districts to adopt a local ordinance and penalty to ensure employers comply with the program.  Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees.		
SB 802 (Leno)(D) I-02/27/2009	Public contracts: retention proceeds.	05/06/2009-In Assembly. Read first time. Held at Desk. (05/06/2009-A DESK)	ACTIA-Watch CMA-Watch	
	NOTE: SB 802 was approved by the Senate. This bill requires that contract retention proceeds not exceed five percent of the payment of all contracts entered into after January 1, 2010, between a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors.			



#### **MEMORANDUM**

TO:

Dennis Fay

Alameda County Congestion Management Agency

FROM:

CJ Strategies

RE:

Legislative Update

DATE:

May 20, 2009

Congress will adjourn at the end of this week for the Memorial Day recess. We expect the House Appropriations Subcommittees to begin mark-ups of its FY10 appropriations bills when they return from recess the week of June1. We also expect the House Transportation and Infrastructure Committee to mark up its surface transportation authorization bill in June.

#### **FY10 Budget Request**

FY09 funding level: \$67.2 billion FY10 funding request: \$73.3 billion

The Recovery Act provided \$47 billion for transportation.

The spending levels in the FY10 budget are placeholders until the White House finalizes its plan to reauthorize SAFEATEA-LU. The budget request allows for \$36.1 billion from the general fund to be available for highway programs if a surface transportation bill is not passed this year.

- **High Speed Rail:** The Administration proposes a five-year, \$5 billion high-speed rail State grant program, including \$1 billion in funding for 2010.
- Federal Highway Administration (FHWA): \$41.85 billion
- Federal Transit Administration (FTA): \$10.34 billion
- Research and Innovative Technology Administration (RITA): \$13.2 million

**Termination of Surface Transportation Priorities Program:** The Administration proposes to eliminate funding for Surface Transportation Priorities (STP). The STP appropriations account is exclusively earmark projects.

#### Justification

In 2009, over \$160 million was provided to fund 194 congressionally earmarked surface

transportation projects called Surface Transportation Priorities. STP funds are in addition to over \$286 billion authorized under the latest highway bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Much of the funds provided by SAFETEA-LU are delivered to States through formula grant programs administered by the Federal Highway Administration; formula funds are available for allocation, by the States, to projects identified as priorities via well established State level transportation investment planning processes.

#### **Surface Transportation Reauthorization**

The House Transportation & Infrastructure (T&I) Committee continues to work on moving the reauthorization of SAFETEA-LU forward. However, mark up has been pushed to the second or third week of June. Chairman Oberstar is intent on meeting the September 30<sup>th</sup> expiration deadline.

Funding the program continues to be a major focus---and hurdle. The Ways and Means Committee will ultimately determine whether to increase taxes to fund transportation. T&I Chairman Oberstar and Ways and Means Chairman Rangel met with Speaker Pelosi and Majority Leader Hoyer earlier this week to discuss next steps. We expect Ways and Means to hold hearings on infrastructure financing during the month of June.

#### **Climate Change**

The House Energy and Commerce Committee began mark up this week of H.R. 2454 – the American Clean Energy and Security Act (ACESA). The legislation would cap greenhouse gas emissions and require the use of more renewable electricity. The bill was released late last week. We anticipate mark up to last throughout the week. Mark up was delayed a few weeks as committee leaders negotiated with moderate Democrats in the hopes of having enough Democrats who will support the bill. Republicans on the committee are expected to oppose the bill, with the possible exception of Mary Bono Mack (R-CA), who is currently undecided.

To meet the bill's cap on greenhouse gas emissions, businesses could either reduce pollution or buy allowances from other companies. The draft would give away the vast majority of emissions allowances to industries and states, in a departure from President Obama's proposal to auction them.

The current draft does not list local governments nor does it list public transit as recipients of allowances. ACESA includes language that would establish emission reductions goals for the transportation sector (Sec. 222, Greenhouse Gas Emissions Reductions Through Transportation Efficiency), but no funding is made available from the bill's proposed cap-and-trade system to finance transportation investments that reduce emissions. However, during the mark-up, Chairman Waxman did say he would work to provide funding for Section 222.

The bill was referred to eight other committees besides Energy and Commerce. Details on how the legislation will make its way through every one of those committees remain unclear since several of the committee's leaders have previously said they did not know how they would approach climate legislation.

The bill will likely go to the full House in June or July.

John W. Kyle 22638 Teakwood Street Hayward, Ca. 94541

Phone (510) 782-7612 E-mail: jwkyle6@comcast.net Attachment Agenda Item 5.0 DECETVE MAY 0 7 2009 BY

May 5. 2009

Board of Commissioners: California Department of Transportation 1120 "N" Street Sacramento, Ca. 95814

Subject: The need for large, full service Truck Stops within Alameda County

A TRUE COPY AFFORDED TO: A OCM 4 BYARD OF DIRECTORS.

Members of the Board:

Since first becoming aware of the truck parking problem in California, reaching back to 1994, I have gathered some materials and rationale which I believe ought to be seriously considered if air pollution is to be brought under effective control while simultaneously providing adequate parking sufficient to permit truck driver compliance with regulations affecting driving time behind the steering wheel. Well situated truck stops aid preservation of permissible drive time as well as being an effective tool in air quality management.

Cal-Trans funded a project sponsored jointly by Cal-trans District #4 and Alameda County Congestion Management Agency. You provided funding in the amount of \$170,000 with funds derived from Federal sources through a State Planning and Research Grant. Reputedly the broad issue of goods movement was tied to a study was also focused on truck parking in Alameda County.

That recent expenditure enabled the truck parking 'Final Study and Report' presented to Alameda County Congestion Management Agency at it's meeting of December 11, 2008. I have been attempting to dissuade that agency from compounding the errors existent in the "Truck Parking Facility and Location Study." Frankly, I sincerely believe that your \$170,000. was wasted on a poorly conceived effort. Small, scattered, amenity deficient 'parking places' will solve nothing but will create budget consuming social problems imposed upon those communities in which 'parking places' are provided...

My biggest complaint directed to the report prepared by the folks involved with 'Tioga Group' and "Dowling Associates Inc." is it's very limited scope and understanding of the nature of intra-state and inter-state long haul truck operations as compared with short haul trips. The difference between the two has apparently escaped their notice.

The recommendations of Tioga's report dwells upon an imagined solution which is no solution at all if one understands the logistics of 'long haul' transportation upon our roads and the confusing inability to identify the separate needs of long haul drivers from that of 'short haul' drivers. The entanglement with distances from a warehouse to retail stores, as an example, see the Safeway food stores warehouse operations in Tracy. That facility has probably changed the concept of what at one time might have been imagined as short haul trips and in truth, now have aspects of long haul operations. What is not understood about Safeway is that their 'short haul' trips have heavy involvement with peak period traffic flows into the Bay area as well as their return to Tracy. This is not well understood by those preparing and responsible for the Tioga Report. Long haul is interpreted by some as an expression of time.

Specifically, the clue to what I state is found within Tioga report, Appendix C, page 5 under the section entitled 'Other Data and Observations', item 2, which discusses an action undertaken by the proprietorship of the "49er Truck Stop". The seemingly minor revelation is that during a one week period of time, an 'in-house' survey by the management revealed presence of 227 overnight' guests, who interrupted their trip into the Bay area due to an identified lack of parking and required amenities in the Alameda County area. ACCMA is banging it's 'head' on the wall when it has not determined the magnitude of the problem faced by drivers of long haul trucks, nor does it understand the numbers of those vehicles seeking parking within a more reasonable location. Finally, it completely fails recognition of the fact that many females are found doing the physical driving of 18 wheel trucks. (See the enclosed exhibit depicting the problem as well as the 'frazzled image' of long haul driver Mitzi Marquez.)

The consequences of not having a glimmer of what is truly needed is that the involvement of trucks in the morning peak hour traffic period could be greatly reduced if drivers are afforded opportunity to move along to a truck stop in Alameda County. I leave it to your imagination as to the number of those 227 trucks which were to be found, the morning after their separate departures, during I-80's involvement with inch-worm traffic. Failing to find parking in our area after dropping their load, did they repeat their involvement with 'inch worm traffic' conditions in the evening? I'd wager they did; if we had some way of identifying those 227 drivers, they would most assuredly speak for a truck stop in Alameda County,. All I know for sure is the highly visible presence of slow moving 18 wheel rigs during 'commute periods' along I-80 and I-580. How many are laying over within easy reach but outside the habitat of the typical commuters also seen using WB I-80 between 6:30 and 8:30 am?

Their time involvement within inch worm traffic conditions is a heavy expense to 'truckers' in terms of fuel and permissible driving time. That factor alone is sufficient to be worthy of study. It would certainly change some ideas about fuel expense cited as rationale for not buying fuel in California. Which is to say that the Tioga report relies too heavily upon the uninformed utterances of some drivers. The loss of permissible driving time ought also be treated with greater emphasis than is found in the Tioga report. Thus do you find ideas for refutation of the thought that buying \$50 for gas and accompanying shower use is an expense that some drivers refuse to pay. I'd call that 'lack of moxie' leading to business failure of single truck owner/operators.

We have two potential sites in Alameda County which if utilized properly would create over 3,000 jobs. Professional truck stops are open 24 hours for each and every day of the calendar year. That requires three shifts as well as the additional employees needed to supplement the five day (40 hour) week requirements in an operation open 168 hours per week, (not including vacations nor 'sick absences'.)

In addition to the necessary restaurants, there are many other amenities typically made available with such professional operators as Travel America / Petro's which are now combined in the purchase by a separate entity which is heavily involved in 'hospitality' investments under franchise titles such as Marriott, Hilton etc. The acquisition of the now combined Travel America and Petro's was revealed within the Travel America web site as costing that corporate investor something near 1.8 billion dollars

more involved, justifiable argument for denial of the Greenville Rd site which was effective.

It is highly likely that the developer of a truck stop would also see the merit in placement of hotel upon the spot where the Race Track spectator building now stands. I am under the impression that when the track was created in late 1939 or early 1940, that there was a conscious decision to not attempt blasting the rock in attempts to fill the 'marsh' under the actual track. Seems to me that the view opportunity would be a natural attractive location for travelers of any type who desire hotel accommodations. Husband and wife, 'team drivers' of the family truck will enjoy hospitality amenity as well as the 'tourism opport-unity' as a break from long periods of time on the road especially on a business required weekend layover before the 'return trip.

Finally, a need for a truck stop on I-80, where none are personally known to exist, is so great that use of eminent domain proceedings seems justified in the case of the Albany race track. The benefit of reduced fuel consumption, for all vehicles, obtained with faster trip time, into and out of, SF Bay area can not be ignored! Think too about the beneficial affects of clean air in Oakland San Joaquin valley!

I could go on and on with this subject but prefer only to remind that I am not an investor in transportation not rest stop opportunity. My work history was confined to a 40 year employment in banking with 30 of that number centered on appraisal activity involving not just individual houses but entire tracts of proposed housing as well as extensive involvement with existing and proposed commercial, industrial and special purpose real property. I simply request that all that can be examined must be examined in the light of more extensive and effectively used knowledge than is found in the Tioga report . I find that report to be a simplistic and inadequate understanding of the truck parking problem..

Introduction of large parking faculties leads to discontinuation of illicit parking. Introduction of the recommendations found in the Tioga report leads to time and fuel wasting search by truck operators who will just give up and park any damn place they please rather than use fuel in futile searches.

I attach exhibits which I believe to be thought provoking as well as a few .bullets of information intended to create greater depth of analysis than is found heretofore.

Vox Clamantis in deserto! (A voice crying in the wilderness!)

John w. Kyle

Enclosures; (N) 12 LEF5 - 15 PAGES

CC:: ACCMA (Board of Directors); SF Metro Transportation Commission; SF Region Air Quality Board; Cities of Albany, Hayward. and Livermore.

#### CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET SACRAMENTO, CA 95814-5512 www.energy.ca.gov



July 26, 2004

Mr. John W. Kyle 22638 Teakwood Street Hayward, CA 94541

Dear Mr. Kyle:

Thank you for your letter proposing to convert the existing Hayward Airport to a truck travel center. As you noted, the West Coast Governors' Initiative included a proposal for encouraging an expanded network of truck travel centers with facilities to reduce truck idling. Most of the emissions from truck operation occur as the truck is moving freight and commodities, but an estimated five to 10 percent of total fuel is consumed when the engine is idling. To the extent that unnecessary idling can be reduced, emissions of greenhouse gases and air pollution can be reduced without detriment to goods movement.

While we favor considerably expanding the network of truck travel centers, we have no comment on local land use issues such as the Hayward Airport Master Plan. Since the California Energy Commission is a statewide agency, we do not have a grasp of the relevant local issues to make appropriate comments on your proposal. We can say that if a developer establishes a truck travel center in your area, we should see benefits in reducing energy use, lowering localized emissions, and contributing to the West Coast Governors' Initiative.

Along Interstate 5 in California, at least five truck stops have been upgraded to provide air conditioning and heating systems for the truck cab. Judging by the popularity of these facilities, truck idling for extended periods will quickly become the exception rather than the norm. In the face of higher diesel prices here in California, truckers will likely create greater demand for these facilities and expansion of the truck travel centers will follow.

While we cannot provide you with support for your specific proposal, we hope that these truck travel centers will be established in your area.

Sincerely,

ROBERT L. THERKELSEN

**Executive Director** 

1 HOROLINES

# San Joaquin Valley battles state's worst air

Community works to make the mountains visible again and let everyone breathe easier

By Greg Lucas
Chronicle Sacramento Bureau

SACRAMENTO — At Mayfair Elementary in the Fresno Unified School District, color-coded flags tell asthma-suffering sixth-grader Robert Hinojoza whether that day's air pollution is low enough to play hard during recess or just

have a walk around and chit-chat with friends,

"If it's a red day, I shouldn't be running around as much. If it's an orange day, I should probably be in the shade," said Hinojoza, II.

Of Fresno Unified's 79,000 students, about 30 percent have some form of asthma. This fall,

after a successful pilot program, flags will fly at all of the district's 95 schools. Modeste City Schools will fly similar flags over its 33 campuses starting Sept. 1. A handful of Stockton schools are starting to do the same.

The flags are an acknowledgement of the San Joaquin Valley's high asthma rate — 12 percent of school-age children throughout the region have it — and an example of an expanding activism as the valley fights to lose the

unhealthy distinction of breathing the worst air in California.

Farmers, parishioners, developers, civic groups, coalitions and utilities are, working to reduce the dust and emissions trapped by the mountains surrounding the valley, which stretches from San Joaquin County south through Fresno to the Tehachapi Mountains.

"Everybody wants to fix it at this point," said Carol Whiteside,

VALLEY: Page A4

#### BUSINESS

premium in Medicare's cription drug program. C1

#### DATEBOOK

Hank Williams' granddaughter, Holly, plays and sings at the Cafe Du-Nord tonight. E1



#### MEATRE

Sunny and warm. Highs 68 to 94. Lows 48 to 57. 010

Bridge/Chess	F2	Comics	E6
Classified	F1	Crosswords	E8, F2
Autos			B6
Homes	F3	Horoscope	F2
John.	£Ί	l allone.	. 00

# Sau juaquin Valley Barries Stares W

▶ VALLEV From Page A1

president of the Great Valley Genter, a Modesto-based think tank. "Most people believe it will be a series of many small actions and improvements by many people which, together, will bring about long-term change."

That will be challenging not just because of the valley's bowllike geography but also because of its rapid rate of population growth.

The state Department of Finance expects the valley's population to increase 104 percent between 2000 and 2040, about twice the growth; rate projected for Mexico during the same period.

Valley residents are exposed to unhealthy levels of ozone more often than people living in the Los Angeles Basin, historically home to some of the nation's poorest air. From 1999 through 2004, the valley failed to meet the federal standard for healthy air 38 percent of the time.

Thousands of diesel trucks — many from Mexico, where emission standards are lower — steadily stream up and down the valley's two major highways, Interstate 5 and Highway 99.

Farm operations are responsible for 20 to 25 percent of the valley's emissions; according to the state air board. Agricultural burning, dust from harvesting and planting, as well as gases from waste lagoons at dairies all contribute to the bad air.

Valley residents are mobilizing in a way they haven't in the past.

A 2004 poll by the Public Policy Institute of California found that 47 percent of valley residents viewed air pollution as a "big problem" — up from 28 percent in 2000.

"Five years ago, there was nothing. No Central Valley Air Quality Coalition. We didn't have a program," said Mark Stout, an 'air quality consultant for Fresno Meiro Ministries.

The coalition, which is made up of 50 groups, lobbies in Sacramento as well as in the valley. Other groups have formed, such as Fresno's Operation Clean Air and Clean Air Now.

The six-county Catholic Diocese of Stockton sponsors meet-



GARY KAZANJIAN / Special to The Chronicle

Robert Hinojoza, a sixth-grader with asthma, plays four-square during recess at Mayfair Elementary in Fresno.

ings to educate its parishioners about the causes of the pollution. Participants learn how to lobby elected officials and to adopt personal strategies like limiting outdoor activities to mornings in ozone-heavy summer and to afternoons in winter because air quality improves as the air becomes drier.

One of the biggest pushes in the fight against poor air quality has been on the farm. More than 80 percent of California's \$5.4 billion dairy industry is centered in the valley. Tulare, for example, is the state's biggest milk producing county and home to 433,000 cows.

But until last year, farms and dairies were not subject to clean air requirements.

"Agriculture was exempted, but they were part of the problem. Lighting up the skies burning trimming and waste," said Sen Dean Florez, D-Shafter, author of legislation ending the exemption. "Hopefully, now we'll get to a solution that's more result-oriented."

Because of Florez's legislation, larger farms must create plans to reduce dust or, as the San Joaquin Valley Air Pollution Control District calls it, PM, for particulate matter. Agricultural burning is being phased out. Particulates can lead to cardiac disease and lung ailments.

The district says the valley is coming closer to meeting the federal standards for particulate matter but worries that increased traffic from growth may erase those gains.

An incentive program by the local air district subsidizes placing new cleaner-burning engines in tractors, harvesters and other off-road farm vehicles.

And earlier this month, Pacific Gas and Electric announced it will spend \$27.5 million to lure farmers to switch from older diesel pumps — responsible for 17 percent of the particulate matter in 2003 — to electric pumps. The company is offering lower rates and paying the lion's share of the cost of extending lines to the new pumps. The utility has already received 480 applications, the first 82 from Campos Brothers Farms in Caruthers.

The 13,000-acre farm, which spreads from Fresno County to Madera County, saw converting to electricity as a more cost-effective option in part because of high diesel prices.

"This makes it feasible to

\_

## Worst air

switch since we won't have to pay for all this out of pocket right now. Of course we're also trying to do our part to reduce emissions for air pollution reasons," said Todd Ayerza, purchasing manager for the farm, which mainly grows almonds.

Last year, the farm bought a \$250,000 chipper to dispose of annual prunings. Previously, prunings were hauled to the end of the field and burned.

The valley air district also is set to levy a mitigation fee, the first of its kind in the state, on developers who don't design airfriendly projects.

In Stockton, the developer Grupe Co. is designing a 7,000-unit project that encourages walking and the use of golf carts or other electric vehicles. A trail system will offer a shorter trip to the supermarket when using the carts. There will be preferential parking for the carts and chargers throughout the development.

"It's a combination of a desire to create projects that have less impact on the environment as well as homeowners, we're finding, for short trips, actually prefer to use the electric vehicle because it's easier to park," said Kevin Huber, Grupe's CEO.

The air quality district has also used some of its incentive money to promote the use of newer technologies like "green goats." The green goats are hybrid diesel electric locomotives that operate in rail yards to sort out rail cars from inbound trains and assemble outgoing trains.

Traditionally, the task was shouldered by the railroad's oldest, dirtiest locomotives — ones no longer capable of chugging cross-country.

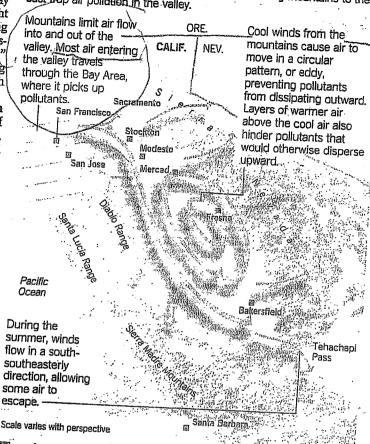
The district helped purchase six of the hybrids, which reduce emissions by more than 80 percent and burn as much as 60 percent less diesel.

Despite the increased commitment, the valley is not unified on what strategies work best to improve air quality.

In the hope the air district will create tougher smog regulations, the valley's clean air coalition and the Sierra Club back a bill, pending in the Assembly, to add two public members — one with a medical background and one environmentalist — to the air dis-

Bowl-like valley traps poor-quality air

California's 240-mile-long San Joaquin Valley has some of the smoggiest air in the nation. Strong winds and sharply ascending mountains to the east trap air pollution in the valley.



The air quality flag program

This fall, flags will fly at schools in the valley to inform at-risk people about the quality of the day's air.



No limitations.

MODERATE

Extremely sensitive children and adults, especially those with respiriatory diseases such as asthma, should consider limiting outdoor exertion.

UNHEALTHY Sensitive groups Sensitive children and adults, especially those with respiratory diseases such as asthma, should limit prolonged outdoor exertion.



Sensitive children and adults should avoid outdoor exertion, and everyone else should limit prolonged outdoor exertion during peak ozone periods.

Sources: California Air Resources Board; AP; USGS; ESRI

The Chronicle and Associated Press

trict's board.

The board opposes the effort, saying more would be accomplished if it were given authority over vehicle emissions now under state purview.

Either way, the valley's population growth and increasing traffic will pose challenges for those who care about its air quality. "I still think we're winning, slow but sure," said Kevin Hamilton, a Fresno doctor and respiratory therapist, who sued the air district for not meeting federal smog standards. "Fifteen years from now, I'll see the mountains. I have faith."

E-mail Greg Lucas PAGE 35

3

martZone Communications Center Collaboration Suite

jwkyle6@comcast.net

5-1-09 - STIT XO ANSWERL

January 2001 story, Dec 18, 2008 and story of Feb Friday, February 27, 2009

2:12:10 PM

18th. 2009!

From: jwkyle6@comcast.net/

To: penam@sfgate.com/jilltucker@sfchronicle.com; carolynjones@sfchronicle.com

Mr. Pena, SF Chronicle published a story by you entitled "Livermore's Airport is taking off" ! Ms. Tucker see your story concerning Golden Gate Fields and Ms. jones., your story of feb. 18th 2009 DEALING WITH 'THE BULB' AT ALBANY SHORELINE.

Mr. Pena; In your story published some time in Jan. of 2001 You stated in second to last paragraph that FAA had contributed, from 1998 to the time of your story, something like \$30 million to acquiring land for a noise buffer zone.

Do you still have your notes and can you identify the specifics as to the land parcel involved???/

Airport Manager Hauri indicates your §\$ numbers are incorrect, THAT THE TOTAL SINCE ESTABLISHING AIRPORT IN 1965 IS APPROXIMATELY \$30 MILLION ..... and has fauly memory of the buffer concept.....

Have been curious to know if that land immediately at south side of El Charro RD. OVER PASS IS INVOLVED. IT COULD HAVE MADE A NICE TRUCK STOP TO SOLVE THE AIR POLLUTION AS WELL AS THE INCH WORM TRAFFIC PROBLEM ON 1-580 WHERE TRAVEL TIMES ARE SLOW, HIGHLY CONGESTED AND WHICH PRODUCE MUCH AIR POLLUTION IN TRI-VALLEY AREA AS WELL AS SAN JOAQUIN VALLEY. ( See Greg Lucas story of August 30, 2005 1) published also by SF Chronicla.

IN SHORT, IS IT POSSIBLE THE MONEY WAS NOT USED AS WAS DESIRED SINCE THERE IS NOW SOME COMMERCIAL DEVELOPMENT PROPOSAL UNDER REVIEW AND SUPPOSEDLY A CHRYSTAL CATHEDRAL, (GLASS CHURCH), WHICH I SUSPECT MIGHT BE 'NOISE SENSITIVE'

ANY HELP WOULD BE APPRECIATED BY THIS ACTIVIST SEEKING RELIEF TO THE INCREDIBLE ASTHMA PROBLEM IN OAKLAND AS WELL AS S.J. VALLEY. YOU MIGHT ALSO FIND AS SOURCE A STORY BY CONTACTING USS HOUSE REPRESENTATIVE BARBAR LEE, LOCATEED IN OAKLAND WHO I' HAVE ASKED TO LOOK INTO USE OF GOLDEN GATE FIELDS AS A TRUCK STOP. ALL AS PREPARATION FOR RENEWAL OF HIGHWAY TREANSPORTATION LAWS DUE TO EXPIRE IN SEPTEKMENR 2009. HEARINGS ON THAT MATTER WILL SOON START.

AS YOU KNOW GGF IS ONLY TO BE USED 181 DAYS THIS YEAR AND THE OTHER 184 DAYS NOT USED.... SEEMS LIKE AN UN-ECONOMIC USE! ( ESPECAILLY SINCE PARENT COMPANY IS BANKRUPT PER STORY BY JILL TUCKERON DCEMBER 19, 2008. IF WHEN USED AS TRUCK STOP IT WOULD REMAIN OPEN 24 HOURS FOR EACH AND EVERY DAY OF THE YEAR..... THE HIGHEST AND BEST USE THEN WOULD BE AS A TRUCK STOP THAT WOULD GENERATE ABOUT 2,000 JOBS WHEN FULLY DERVLOPED FOR THAT PURPOSE.... THE SALES TAX BENEFIT TO ALBANY THEN would enable completion of THE BULB...; see story Feb. 18th.BY CAROLYN JONES

Where and how was the \$30,000,000. spent?

If FAA is but part of US Department of Transportation then it would seem plausible that the Trucking Industry which is also regulated by DOT, has a right to know, as do tax payers!

LIVERMORE Was the airport manager kept out of the loop while FAA money was used to acquire the land (by inference suggested by dollar amount) serving only to benefit City's commercial development outside the purveyance of US Dept of Transportation?

See the SF Chronicle Story about your \$30 million Spent to prevent noise complaints!







ki teft Controller Craig De Spain kept close watch on air traffic at the Livermore Afroct tower. At right The altport is base to 580 alterat, from altigle-engino planes and law-enforciment fielkopiers in a private jet.

Cent of terror assisted lights,

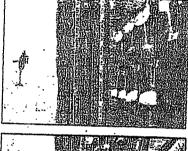
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vernaie facility, as well ellover airpents" that take aircraft Hayward and Concord.

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thay start at sorric point. Such ac-tivity accounts for less than I per Inck fet inkently und lardings,

The man of

The encircled paragraph says: "Since 1998, the airport has received about \$30 million in Federal Aviation Administration grants, mostly to acquire surrounding land for a noise buffer zone." This article was printed in the SF Chronicle in January 2001, The Staff writer is named as

PAGE 37

is bust with neighbors But facility's boom

By Michael Peila

is becoming, fucked in part by cor-

fight-tower assistance have don-bled over the past 15 years, and many nearly residents fear that a move to upgrade airport services may lead to scheduled passenges Takeoffs and lawfings requirin

IAMPILA Of-

've been flying low ove lementary School," sai or years, we have been sayin torno is part of a group

air are ail services nitrent munto the 1fth busiest lag ar, mostly due to Right training Catering, car rentals and engin offer corporate jet-settors.

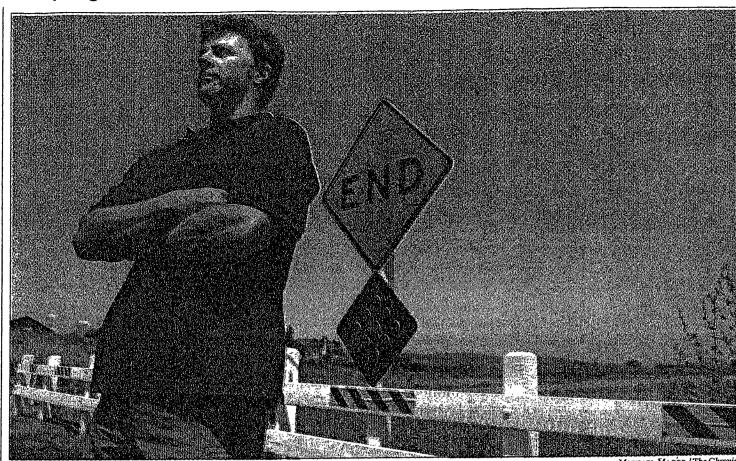
But first the 590-acre airport's

provements could eventually lay she has seen an increase in an icr scryice.

But she and fellers neighburs ralked away frustrated last month

Last year, the Livermone virgent god 253,000 takeofts and land. and Hauri sald he expects incienses in corporate flights utrperts word. they address it and send it fauri hopes to clear the nir toto the City Council next reduled to be adopted by spring flauri sald it is highly unlikely that the airport would host sched.

## City fights commuters' use of local streets to avoid freeway jams



MICHAEL MACOR / The Chronic

John Carroll is a Pleasanton resident who lives near Stoneridge Drive and doesn't want local streets to be shortcuts to freeway access.

# Extreme traffic control

By Demian Bulwa CHRONICLE STAFF WRITER

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a II - 1-8

One of the safest cities in the Bay Area wants to be known for its mean streets.

Pleasanton is throwing up roadblocks to beat back the 1,500 commuters — known as "cut-throughs" — who flee jammed Interstates 580 and 680 each afternoon for smoother sailing on city streets. Obstacles include metering lights that limit the number of cars on a road, signals that favor locals and the region's only stoplight that punishes speeders. There's even talk of fast-pass lanes for residents only.

"Residents want us to shut it down," Mayor Tom Pico said of the practice. The city isn't being parochial, he said, but is making a political statement in favor of wider freeways that would make the city less of a spillway.

Pleasanton once attracted residents seeking to escape congestion. Now it's an extreme example of roadway activism in the Bay Area, where cities are at the mercy of the flow, and overflow, of cars. Motorists are always looking for shortcuts, even if it means comthrough someone's muting neighborhood.

Such fights are being waged in other cities, such as Palo Alto, where residents in some neighborhoods have been bitterly divided over traffic barriers. Berkeley turned down free money for traffic signals it believed would reward cut-throughs. Both Walnut Creek and Concord delay drivers using Kirker Pass Road; neither wants to be known as the smoother route.

Cut-through traffic wasn't a problem in Pleasanton until the 1990s, when the city and surrounding area experienced tremendous growth and the freeways quickly grew clogged with commuters.

But no city is taking the problem as seriously as Pleasanton, where residents have made it one of the key issues in the November election - where three of five council seats are up for grabs - as well as a source of constant chatter at cafes, public events and soccer games.

The question divides neighborhoods, is factored heavily into home construction and fuels a d bate over whether the city shou stop building freeway conne tions. Citizens who pore over ci planning documents sprink terms like "subregional collect road" into casual conversation.

The efforts to discourage cu throughs, many of whom cor mute from the Central Valley

► PLEASANTON: Page ]

of conditions

# Terror rides shotgun ith truckers

▶ RIGS

From Page 1

at the gigantic TA Truck Stop in tiny Santa Nella.

The business has gotten too tight, freight's not moving, everyone's scared - and it's all that damn bin Laden's fault."

Big-rig drivers like Jimerson and Morgan who keep America's warehouses filled see themselves in the front line of America's defense against terrorists - and in the front line of the fallout of 9/11. Even now, nearly a year later. It's

"It's all the guys talk about, and they're mad," said Aurelia Maynard, a waitress at Rocky's, a steak-and-eggs mainstay for longhaulers outside Lodi. blame terrorism for the economy, the bad politics, taxes."

Even she feels the effects. "It's gotten so bad, with freight not moving and all, that the truckers don't even tip as much as they used to."

Indeed, freight shipping is flat - factory orders are down 4.5 percent over last year, according to the American Trucking Association - making for fewer hauling jobs. The economy was already faltering, experts say, but after the terror attacks, shippers virtually shut down orders for weeks before creeping back into business.

So now, even when they can haul, those who get paid by covering the most miles in the shortest time are having a harder time of

Drivers can't go more than a few hundred miles anymore without getting pulled over for a spot check by a Smokey (cop), and border searches at most states now stretch on for an hour or more,

miles have been added on because long-haul trucks are routed around landmarks and big cities onto smaller, slower roads.

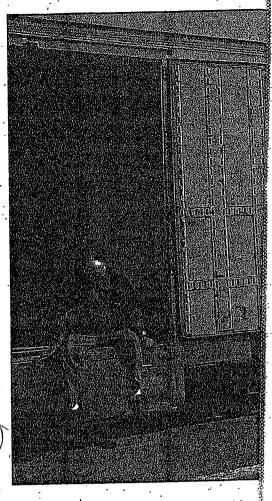
This is the tightest, the scariest, it's ever been, and I've been driving trucks for more than 20 years," said Ken Wolff, 42, idling his rig as dusk fell at a truck stop along Interstate 5 South in the Central Valley.

"On my way up here yesterday, they routed me so far around Hoover Dam. I lost two hours on the drive," said Wolff, who was packing a government load from his home state of Kentucky. "I made one joke to an inspector in Laredo, Texas - he asked if I was alone and I said, Just me, myself and I' - and they nearly hauled me out of the truck. No humor whatsoever."

There were still several hours of daylight left, but Wolff was already getting ready to bed down in his sleeping cab - something he would never have done so early in the day before 9/11 hobbled him.

Here I am, just a hundred miles or so from Livermore, where I have to drop my load, and I can't go there until tomorrow because I can't park in town," Wolff scowled. "We can't park anywhere outside a truck stop anymore for a nap, seems like on-ramps, off-ramps, city streets. Wherever you are, if you stay long, some cop wakes you up to ask for your papers or tells you to move on."

No matter what they're hauling, truckers who get pulled over now have to produce everything they have on hand - from permits and logbook to driver's license and shipping receipts. The days of being waved through a checkpoint with a friendly smile are over.



Ollen Jimerson from Tennessee, resting in his ne

driver is new to the road. These things could just indicate human sloppiness - or they could signal a terrorist armed with a fresh driving certificate and a 53-foot trailer full of fertilizer explosives.

<sup>4</sup>I make sure I stay very visible out here," Carpenter said. "Keeps everything slower, safer, and lets bad guys know I'm here."

CHP Capt. Andrew Jones, of the state Commercial Enforcement Division headquarters in Sacramento, said patrol officers are just one part of a huge antitruck terrorism campaign. Gas industry leaders, Lawrence Livermore National Laboratory scienfists and Teamster Union drivers are just a few of those working for ways to prevent a repeat of Timothy McVeigh's 1995 truck bomb massacre in Oklahoma City, he

We've been focusing on hazardous materials loads most because we heard that's what the terrorists might use for an attack, but really we've had to clamp down on everything," said Jones, who is helping assemble a special be bother to be bother

Sept. 11, a inspection \$ verted from operations.

This is no red-white-a smiles out? however.

Cc

If you le aren't man watch out.

"The ot Hey moth you came ! they scratc you Osam 39-year-old duce out i "Then I sa we are the: the time,

A few mento's Truck Pla stop in Floyd Nu Singh's w

"I don" · be bothe

## ING GAN



MITZI MARQUEZ, 43, of Delheart, Texas, sits in her big rig off interstate 880 in Hayward on Tuesday. Truck drivers have become caught in the middle between the shippers that pay them and the locked-out longshoremen who load their trucks.

# Truckers idled b

E Long-haulers lose money while dock worker talks stall

Susan McDonough

BUSINESS WRITER

OAKLAND - Dozens of out-of-town truckers waited to load or unload their rigs Tuesday as West Coast ports were closed for the fifth day.

Meanwhile, the meter was ticking on their wallets.

"I only make money when the truck rolls," said Kevin Clark, a soft-spoken driver from Fargo, N.D., who has been idling in a large parking lot at the Port of Oakland since Monday to keep his refrigerated cargo cold.

refers," sat idling by his side.

Clark, who hauled 43,000 pounds of frozen turkeys to Oakland from Stoux Falls, S.D., said the lockout of dock workers at all 29 West Coast ports is preventing him from delivering half his load, which is slated to be exported. The delay also is preventing him from delivering frozen turkeys to poultry companies in San Francisco and San Jose, because they won't unload other customers' products.

"A lot of places don't like to take other people's products off the truck,

The shutdown at West Coast ports,

About 30 refrigerated rigs, called which started last Friday, has hurt railroads and trucking companies that link ports and the rest of the country.

> Yellow Corp., a trucking company in Overland Park, Kan., has seen a drop of 10 to 15 percent in its West Coast business, Chief Executive William Zollars said. And the Burlington Northern Santa Fe railroad stopped westbound shipments from Chicago to avoid having them stack up on the West

Driver Mitzi Marquez, 43, of Texas, sat parked off Interstate 880 along one Hayward's industrial stretches

See TRUCKS. Business 5

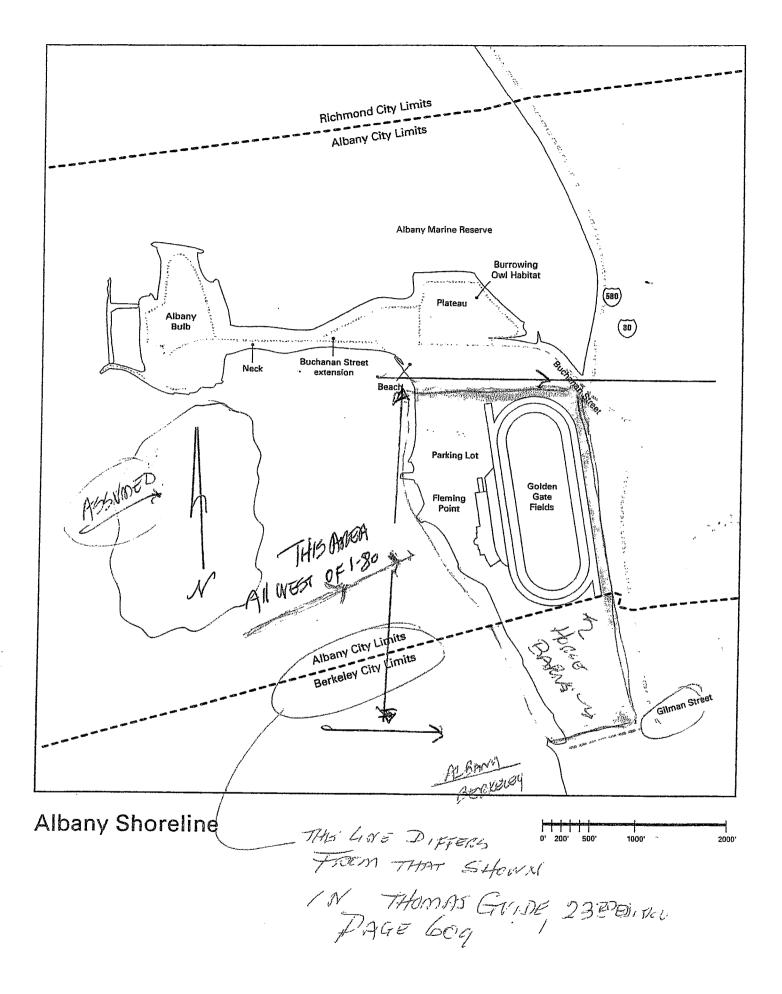
This news story was interesting for the reason that it points out the fact that not all truck drivers are men. In the entire San Francisco Metropolitan Statistical Zone, there is not a single 'truck travel center' where drivers can safely park while attending to bodily functions, personal hygene or, find those amenities which make the lifestyle endurable.

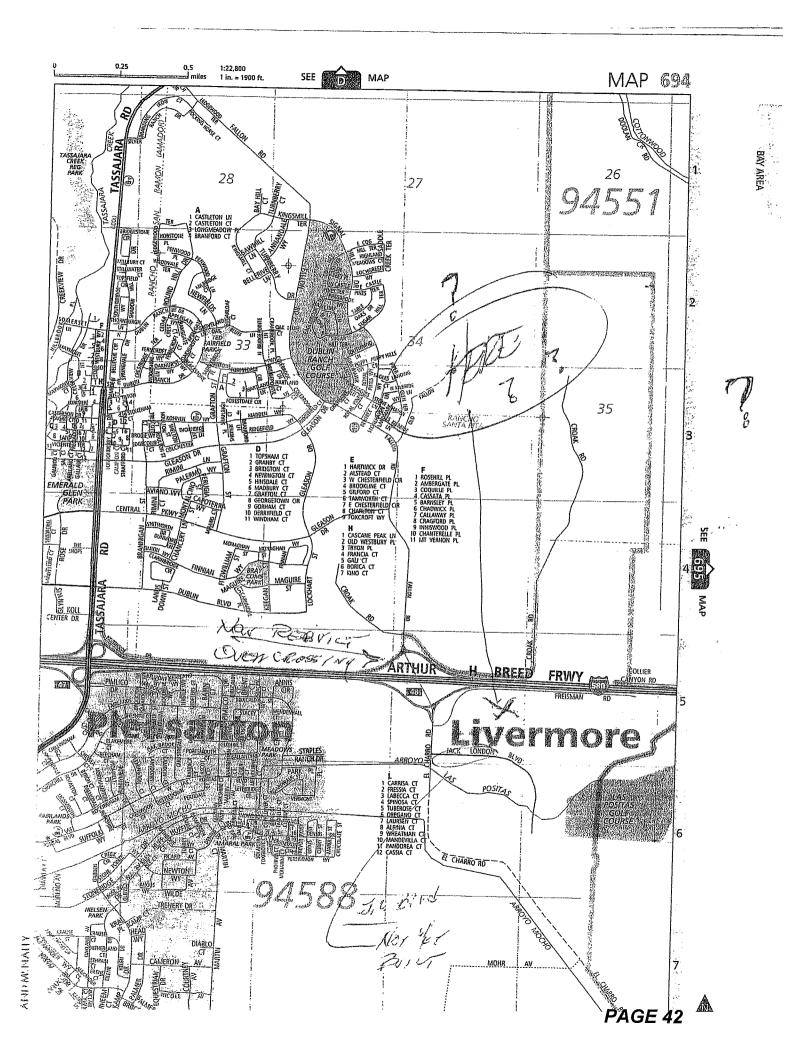
Did you know that Department of Transportation Safety Regulations mandate eight (8) hours of rest after ten continuous hours of driving; they may drive for another 5.57 hours in any single day but must include 'standby time' at point of delivery if such is imposed as frequently occurs at Port of Oakland or by capricious freight recipients...

Under Federal regulations, drivers are limited to 70 hours of driving time in any seven day period.

Presently, drivers entangled with morning commute 'inch worm' traffic conditions are, in many instances, forced to endure the same 'inch worm' conditions in order to find parking along I-5 or State Rte 99. They frequently do this in violation of the law because they are denied parking opportunity

PAGE 40





Metro region, I have been advised that only Hayward adds this count into the record, apparently in an attempt to bolster the counts in support of a deffective Note: This data excludes the 'night flight' counts. Typically, about 300 to 350 night flights are counted each month. Of all the general aviation airports in SF Airport Masterplan.

# POLICY CHANGE INTHE AIR?

CARS AND SMOG build up on Interstate 580 in Castro Valley on Tuesday atternoon. The Environmental Protection Agency declared Friday that carbon dioxide and other gases endanger public health and welfare."

# PA to urge tougher stand on emissions

By Julief Eilperin washington post of the Environ-Machine propose regulating greenhouse gas emissions on the grounds that these former propose a danger to the public health and welfare, according to several sources who asked not to be identified.

The move, coming almost exactly the economy Congress is considered the agency to examine whether it can pass

To make to climate change the proposal and enact it into law in the inear future.

Late last month the EPA sent the White House a formal finding that greenhouse gases endanger public health and welfare; the Office of mandatory limits on carbon dioxide on the determination Monday.

When reached Friday morning, on the grounds that it would harm the economy Congress is considered declined to comment on the matter.

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FROM PAGE 1

President Barack Obama pledged to limit greenhouse gases during his 2008 campaign for the office. Obama has since urged Congress to send him a bill that would cap those gases and allow emitters to trade pollution al-Idwances nationwide.

EPA administrator Lisa Jackson, in a speech at the Aspen Environment Forum last month, emphasized that the administration still hopes the country will develop a legislative answer to the question of how best to limit reenhouse gases.

"The best solution, and I believe this in my heart, is to work with Congress to form and pass comprehensive legislation to deal with climate change," Jackson said "We hope to avert a regulatory thicket where governments and businesses spend an inordinate amount of time



CARS AND U.S. POWER PLANTS could soon face much tougher pollution limits. The Environmental Protection Agency has urged new regulations concluding that carbon dioxide and five other greenhouse gases endanger Americans, health:

thicket-where governments downcers of global warming in and businesses spend an inordinate amount of maniphting. We are not looking for a doomsday solution."

According to a congressional aide who's been briefed on EPA's proposal in which the finding itself But the enderge energe for legislative action in the finding itself. But the public cumment period be endangerment finding also makes a broader case that the U.S. muse act to limit greenhouse gases such as incomplying its adetermination is "compelling and over whelming."

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#### CLIMATE CHANGE

## **EPA issues warning** on greenhouse gases

By Jennifer A. Dlouhy HEARST NEWSPAPERS

WASHINGTON - The Environmental Protection Agency's declaration Friday that greenhouse gases endanger the public paves the way for new federal regulations for cars, power plants and factories that spew pollutants blamed for climate

The agency's proposed finding, set to be finalized after a 60-day review period, also intensifies pressure on Congress to pass legislation with

new limits on the emissions of carbon dioxide and other heattrapping gases.

The EPA is demonstrating that it will act expeditiously to address climate change," said Sen. Dianne Feinstein, D-Calif. "This is a major reversal of Bush administration policy."

The EPA concluded Friday that there is overwhelming and compelling evidence that greenhouse gases in the atmosphere endanger the public health and welfare of current and future generations" by spurring climate change that

Pollution continues on A8

## Greenhouse gases are a public health danger, EPA warns

Pollution from page A1

can lead to rising sea levels. more wildfires and degraded air quality. The endangerment finding applies to carbon dioxide and five other greenhouse gases, including hydrofluorocarbons and methane.

The EPA's move was com; 🧍 pelled by a 2007 Supreme Court ruling that greenhouse gases qualified as pollutants under the Clean Air Act and could be regulated if the gov ernment decided they threaten the public! But the EPA under former President George W Bush did not make a determination about greenhouse gas-

#### 'A game changer'

Rep. Ed Markey, D-Mass., the head of the House Committee on Energy Independence and Global Warming, called the EPA's ruling "a game changer."

'It now changes the playing field" for lawmakers, who recognize that some regulation of the pollutants is inevitable, even if Congress doesn't act, Markey said. The only question is whether the limits would be imposed solely by the EPA or set by lawmakers on Capitol Hill.

'It is now no longer a choice between doing a (climate change) bill or doing nothing," Markey said. "It is now a choice between regulation and legislation.'

Sen. Barbara Boxer, D-Calif., who chairs the Senate committee dealing with climate legislation, agreed. She called the decision "a wake-up call for Congress." If Congress doesn't move, Boxer said she would press EPA to take swift action.

Environmentalists cheered the EPA finding and said it demonstrates that the Obama administration is committed to

"The EPA is demonstrating that it will act expeditionsly to address climate change. This is a major reversal of Bush administration policy."

Sen. Dianne Feinstein, D.Calif.

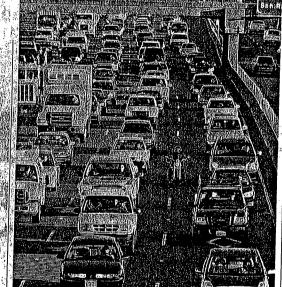
combatting climate change Obama's EPA is "putting science back in its rightful place at the forefront of environmental policy" and "has embraced the basic facts on global warming that scientists around the world have acknowledged for years," said Luke Metzger, director of Environment Texas, an environmental advocácy group, "Com-mon sense prevalled ovér pressure from 'big oil" and other big polluters to deny the obvious in order to maintain the status quo on energy;"

The finding is the first step toward EPA regulation of greenhouse gases. The agency likely would begin with cars and trucks, which produce about 30 percent of the nation's carbon dioxide emissions, before moving on to stationery sources, such as power plants and industrial operations

#### Congress could act

Congress, which is in the early stage of a debate over broad energy and climate change proposals, could pre-empt federal regulations by enacting new emissions limits and allowing oil refineries manufacturers and other in dustrial operations to comply with the limits by buying and selling emissions allowances!

Business leaders warned



Cars and other sources of climate-changing greenhouse gases could face new regulations as a result of the EPA's ruling.

that the EPA's finding — and nationwide emissions limits could devastate the already ailing U.S. economy, and give a competitive advantage to manufacturers in countries that do

not sei similar limits. EPA "regulations could impose complex, costly requirements on restaurants, colleges, schools, shopping malls, bakeries and many other businesses and institutions," said Jack Gerard, president of the American Petroleum Institute. He called the Clean Air Act "fundamentally ill-suited to addressing the challenge of global climate

Sen. Lisa Murkowski of Alaska, the top Republican on the Senate Energy and Natural Resources Committee, said she is disappointed by the EPA

Placing a mandatory cap on carbon emissions has serious implications for every corner

of our already fragile economy," Murkowski said. "The Clean Air Act was not designed to address carbon emissions, and is, at best, a very blunt instrument.'

#### Oil industry objection

Charles Drevna, president of the National Petrochemical and Refiners Association, said that if the EPA decides to regulate greenhouse gas emissions, it would be a huge "assertion of authority over the U.S. economy and Americans'

"Before moving forward with regulation, the United States must ensure that other major global contributors are similarly committed to reducing their ambient greenhouse gas concentrations," Drevna said. Otherwise, "American economic competitiveness would be compromised."

The Associated Press contributed to this report.